

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 11.45, F.S.; revising the duties of the Auditor
4 General; amending s. 216.136, F.S.; revising the
5 duties of the Revenue Estimating Conference to include
6 specified estimates; requiring the conference to
7 determine an alternative calculation for specified
8 fiscal years; providing for the future expiration of
9 certain provisions; amending s. 1001.03, F.S.;
10 requiring the State Board of Education to develop and
11 submit a specified list of certain capital outlay
12 projects; providing requirements for such list;
13 requiring the state board to review a specified
14 methodology; amending s. 1001.64, F.S.; prohibiting
15 the transfer of a certain fund by a Florida College
16 System institution board of trustees except under
17 certain conditions; amending s. 1001.706, F.S.;
18 requiring the Board of Governors to develop and submit
19 a specified list of certain capital outlay projects;
20 providing requirements for such list; requiring the
21 board to review a specified methodology; amending s.
22 1001.73, F.S.; prohibiting the transfer of certain
23 fund by a state university board of trustees except
24 under certain conditions; amending s. 1004.28, F.S.;

25 providing requirements for the transfer of certain
26 funds from state university boards of trustees to a
27 direct-support organization; providing that certain
28 records of state university direct-support
29 organizations are exempt from certain public records
30 requirements; amending s. 1004.70, F.S.; authorizing a
31 Florida College System institution board of trustees
32 to prescribe certain rules relating to its direct-
33 support organizations; providing requirements for
34 transfer of state appropriations to a Florida College
35 System institution direct-support organization;
36 providing reporting requirements; prohibiting the
37 transfer of funds to certain Florida College System
38 institution direct-support organizations; deleting an
39 exception to the prohibition against direct-support
40 organizations donating gifts to a political committee;
41 amending s. 1009.531, F.S.; deleting obsolete
42 language; revising certain initial eligibility
43 requirements for certain Florida Bright Futures
44 awards; requiring the Department of Education to
45 develop a method for determining certain assessment
46 scores for the initial eligibility requirements for
47 certain Florida Bright Futures awards; requiring the
48 department to publish certain changes before each

49 | school year; amending s. 1011.41, F.S.; revising
50 | requirements for state university appropriations;
51 | amending s. 1011.45, F.S.; requiring state
52 | universities to maintain certain carry forward
53 | balances of certain funds; providing requirements for
54 | state universities that fail to maintain such
55 | balances; requiring a state university with a carry
56 | forward balance in excess of a specified amount to
57 | submit a carry forward spending plan; providing
58 | requirements for such state universities and plans;
59 | requiring the Chief Financial Officer of a state
60 | university to annually certify the amount of specified
61 | funds an institution has; amending s. 1011.84, F.S.;
62 | requiring the Chief Financial Officer of Florida
63 | College System institutions to annually certify the
64 | amount of specified funds an institution has; amending
65 | s. 1013.03, F.S.; revising the functions of the
66 | Department of Education and the Board of Governors
67 | relating to educational facilities for school
68 | districts, Florida College System institutions, and
69 | state universities, respectively; amending s. 1013.31,
70 | F.S.; requiring state university and Florida College
71 | System institution plant surveys to include specified
72 | information; requiring state universities and Florida

73 College System institutions to adjust certain
74 estimates when calculating specified needs; requiring
75 the Board of Governors and State Board of Education to
76 post certain data on their websites; providing
77 requirements for such data; amending s. 1013.60, F.S.;
78 requiring the Commissioner of Education to develop a
79 budget request allocation plan; providing requirements
80 for such plan; requiring the commissioner to include a
81 specified assessment with each plan; amending s.
82 1013.64, F.S.; requiring the Board of Governors and
83 State Board of Education to adopt regulations and
84 rules, respectively, for the reporting of certain
85 information relating to allocations to the Public
86 Education Capital Outlay and Debt Service Trust Fund;
87 requiring the Board of Governors and State Board of
88 Education to submit a certain list within a specified
89 time period; providing requirements for such list;
90 creating s. 1013.841, F.S.; providing for certain
91 Florida College System institution funds to be
92 included in the following year's approved operating
93 budget as a carry forward balance; requiring Florida
94 College System institutions to maintain certain carry
95 forward balances of certain funds; providing
96 requirements for Florida College System institutions

PCB HEA 19-01

2019

that fail to maintain such balances; requiring a
Florida College System institution with a carry
forward balance in excess of a specified amount to
submit a carry forward spending plan; providing
requirements for such state universities and plans;
requiring survey recommended projects from state
universities and Florida College System institutions
to be reviewed and revised to include a specific
calculation; providing that projects without such
calculation shall be considered not survey
recommended; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (2) of section
11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(c) Annually conduct financial audits of all state
universities and Florida College System institutions and verify
the accuracy of the amounts certified by each state university
and Florida College System institution Chief Financial Officer
pursuant to ss. 1011.45 and 1011.84 ~~state colleges.~~

PCB HEA 19-01

2019

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (3) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(3) REVENUE ESTIMATING CONFERENCE.—

(a) The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund.

(b) For each year in a forecast period, the Revenue Estimating Conference must provide a maximum appropriation estimate, which includes bonding, for funds accruing to the Public Education fixed Capital Outlay and Debt Service Trust Fund. The maximum available appropriation estimate for each year must assume the full utilization of available bonding capacity, as limited by s. 215.61, and the full utilization of remaining

145 available cash balances.

146 (c) For each of the 2020-2021, 2021-2022, and 2022-2023
147 fiscal years and in lieu of the estimate provided in paragraph
148 (b), the conference shall determine maximum appropriations
149 available for funds accruing to the Public Education Capital
150 Outlay and Debt Service Trust Fund assuming that the bonding
151 capacity for each year is equal to the average of annual bonding
152 capacities, as determined under paragraph (b), of that year and
153 the years remaining through the 2022-2023 fiscal year. This
154 paragraph expires July 1, 2023.

155 Section 3. Subsection (18) is added to section 1001.03,
156 Florida Statutes, to read:

157 1001.03 Specific powers of State Board of Education.—

158 (18) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of
159 Education shall develop and submit the prioritized list required
160 by s. 1013.64(4). Projects considered for prioritization shall
161 be chosen from a preliminary selection group which shall include
162 the list of projects maintained pursuant to paragraph (d) and
163 the top two priorities of each Florida College System
164 institution.

165 (a) The state board shall develop a points-based
166 prioritization method to rank projects for consideration from
167 the preliminary selection group that awards points for the
168 degree to which a project meets specific criteria compared to

169 other projects in the preliminary selection group. The state
170 board shall use criteria that evaluates the degree to which:

171 1. The project was funded previously by the Legislature
172 and the amount of funds needed for completion constitute a
173 relatively low percentage of total project costs;

174 2. The project represents a building maintenance project
175 or the repair of utility infrastructure which is necessary to
176 preserve a safe environment for students and staff, or a project
177 that is necessary to maintain the operation of a Florida College
178 System institution site, and for which the institution can
179 demonstrate that it has no other funding source available to
180 complete the project;

181 3. The project addresses the greatest current year need
182 for space as indicated by increased instructional capacity that
183 enhances educational opportunities for the greatest number of
184 students;

185 4. The project reflects the priority of the submitting
186 Florida College System institution; and

187 5. The project represents the most cost effective
188 replacement or renovation of an existing building.

189 (b) Within the point scale developed by the state board,
190 the project scoring the highest for each criteria shall be
191 awarded the maximum points in the range of points within the
192 points scale developed by the state board. The maximum points

193 awarded for each criteria shall represent the following percent
194 of the total of maximum points:

195 1. The criteria in subparagraphs 1., 2., and 5. shall each
196 receive a maximum of 20 percent of the total maximum points.

197 2. The criteria in subparagraph 3. shall receive 35
198 percent of the total maximum points.

199 3. The criteria in subparagraph 4. shall receive 5 percent
200 of the total maximum points.

201 (c) A new construction, remodeling, or renovation project
202 that has not received an appropriation in the previous year
203 shall not be considered for inclusion on the prioritized list
204 required by s. 1013.64(4), unless:

205 1. The institution has allocated funding, from nonstate-
206 appropriated funding, equal to no less than 25 percent of the
207 total project cost or the project is needed to preserve the
208 safety of persons using the facility or the project is
209 consistent with a strategic legislative initiative;

210 2. A plan is provided to reserve an amount of funds in an
211 escrow account, over a period not to exceed 3 years, equal to at
212 least 10 percent of the value of the building, from nonstate-
213 appropriated funding, for future maintenance over the life of
214 the building;

215 3. There are sufficient excess funds from the allocation
216 provided pursuant to s. 1013.60 within the 3 year planning

217 period which are not needed to complete the projects listed
218 pursuant to paragraph (d); and

219 4. The project has been recommended pursuant to s.
220 1013.31.

221 (d) The state board shall continually maintain a list of
222 all public education capital outlay projects for which state
223 funds were previously appropriated which have not been
224 completed. The list shall include an estimate of the amount of
225 state funding needed for the completion of each project.

226 (e) The state board shall review its space need
227 calculation methodology developed pursuant to s. 1013.31 to
228 incorporate improvements, efficiencies, or changes.
229 Recommendations shall be submitted to the chairs of the House of
230 Representatives and Senate appropriations committees by October
231 31, 2019, and every 3 years thereafter.

232 Section 4. Subsection (11) of section 1001.64, Florida
233 Statutes, is amended to read:

234 1001.64 Florida College System institution boards of
235 trustees; powers and duties.—

236 (11) Each board of trustees shall submit an institutional
237 budget request, including a request for fixed capital outlay,
238 and an operating budget to the State Board of Education for
239 review in accordance with guidelines established by the State
240 Board of Education. A board of trustees may not transfer state

PCB HEA 19-01

2019

241 funds that are appropriated to the Florida College System
242 institution from the General Revenue Fund, the Educational
243 Enhancement Trust Fund, or from authorized tuition and fee
244 revenue between the General Funds-Current funds unrestricted
245 (Fund 1) and other institutional funds without authorization in
246 the General Appropriations Act or approval by the Legislative
247 Budget Commission pursuant to chapter 216.

248 Section 5. Subsection (12) is added to section 1001.706,
249 Florida Statutes, to read:

250 1001.706 Powers and duties of the Board of Governors.—

251 (12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of
252 Governors shall submit the prioritized list as required by s.
253 1013.64(4). Projects considered for prioritization shall be
254 chosen from a preliminary selection group which shall include
255 the list of projects maintained pursuant to paragraph (d) and
256 the top two priorities of each state university.

257 (a) The board shall develop a points-based prioritization
258 method to rank projects for consideration from the preliminary
259 selection group that awards points for the degree to which a
260 project meets specific criteria compared to other projects in
261 the preliminary selection group. The board shall use criteria
262 that evaluates the degree to which:

263 1. The project was funded previously by the Legislature
264 and the amount of funds needed for completion constitute a

265 relatively low percentage of total project costs;

266 2. The project represents a building maintenance project
267 or the repair of utility infrastructure which is necessary to
268 preserve a safe environment for students and staff, or a project
269 that is necessary to maintain the operation of a university
270 site, and for which the university can demonstrate that it has
271 no other fund source available to complete the project;

272 3. The project addresses the greatest current year need
273 for space as indicated by increased instructional capacity that
274 enhances educational opportunities for the greatest number of
275 students;

276 4. The project reflects the priority of the submitting
277 university; and

278 5. The project represents the most cost effective
279 replacement or renovation of an existing building.

280 (b) Within the point scale developed by the board, the
281 project scoring the highest for each criteria shall be awarded
282 the maximum points in the range of points within the points
283 scale developed by the board. The maximum points awarded for
284 each criteria shall represent the following percent of the total
285 of maximum points:

286 1. The criteria in subparagraphs 1., 2., and 5. shall each
287 receive a maximum of 20 percent of the total maximum points.

288 2. The criteria in subparagraph 3. shall receive 35

289 percent of the total maximum points.

290 3. The criteria in subparagraph 4. shall receive 5 percent
291 of the total maximum points.

292 (c) A new construction, remodeling, or renovation project
293 that has not received an appropriation in the previous year
294 shall not be considered for inclusion on the prioritized list
295 required by s. 1013.64(4), unless:

296 1. The institution has allocated funding, from nonstate-
297 appropriated funding, equal to no less than 25 percent of the
298 total project cost or the project is needed to preserve the
299 safety of persons using the facility or campus or the project is
300 consistent with a strategic legislative initiative;

301 2. A plan is provided to reserve an amount of funds in an
302 escrow account, over a period not to exceed 3 years, equal to at
303 least 10 percent of the value of the building, from nonstate-
304 appropriated funding, for future maintenance over the life of
305 the building;

306 3. There are sufficient excess funds from the allocation
307 provided pursuant to s. 1013.60 within the 3 year planning
308 period which are not needed to complete the projects listed
309 pursuant to paragraph (d); and

310 4. The project has been recommended pursuant to s.
311 1013.31.

312 (d) The board shall continually maintain a list of all

public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list shall include an estimate of the amount of state funding needed for the completion of each project.

(e) The board shall review its space need calculation methodology developed pursuant to s. 1013.31 to incorporate improvements, efficiencies, or changes. Recommendations shall be submitted to the chairs of the House of Representatives and Senate appropriations committees by October 31, 2019, and every 3 years thereafter.

Section 6. Subsection (4) of section 1001.73, Florida Statutes, is amended to read:

1001.73 University board empowered to act as trustee.—

(4) A board of trustees of a state university may not transfer ~~in excess of \$1 million in~~ funds that are appropriated to the state university in the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund between the Education and General Activities category and other program categories and any other institutional fund without authorization in the General Appropriations Act or approval by the Legislative Budget Commission pursuant to chapter 216. ~~A board of trustees may request additional transfer authority from the Board of Governors. Upon approval of the additional transfer authority by~~

~~the Board of Governors, the Board of Governors may request a budget amendment to transfer appropriations for a state university between categories in excess of \$1 million. Such transfers are subject to review and approval by the Legislative Budget Commission.~~

Section 7. Paragraph (b) of subsection (2) and paragraph (b) of subsection (5) of section 1004.28, Florida Statutes, are amended to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with regulations and guidelines of the Board of Governors, shall prescribe by regulation conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university, including that personal services must comply with s. 1012.976. Such regulations shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and issuance of debt.

Beginning ~~No later than~~ July 1, 2019, the transfer of an ~~a~~ state appropriation from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund by the board of trustees to any direct-

PCB HEA 19-01

2019

support organization may ~~only~~ include only funds pledged for capital projects and shall be transferred pursuant to s. 1001.73(4). ~~Beginning July 1, 2019, and annually thereafter, each university board of trustees shall report to the Legislature the amount of state appropriations transferred to any direct support organization during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.~~

(5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC MEETINGS EXEMPTION.—

(b) ~~Other than the auditor's report, management letter, any records related to the expenditure of state funds, and any financial records related to the expenditure of private funds for travel,~~ All records of the organization, other than the auditor's report, management letter, any information necessary for the auditor's report, any information related to the expenditure of funds, and any supplemental data requested by the Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from s. 119.07(1).

Section 8. Paragraphs (b) and (c) of subsection (3) and paragraph (d) of subsection (4) of section 1004.70, Florida Statutes, are amended to read:

1004.70 Florida College System institution direct-support organizations.—

(3) USE OF PROPERTY.—

(b) The board of trustees is authorized to prescribe by rule any condition with which a Florida College System institution direct-support organization must comply in order to use property, facilities, or personal services at any Florida College System institution, including that personal services must comply with s. 1012.976. Such rules shall provide for budget and audit review and oversight by the board of trustees, including thresholds for approval of purchases, acquisitions, projects, and the issuance of debt. Beginning July 1, 2019, the transfer of a state appropriation by the board of trustees to any direct-support organization with a fund balance of greater than \$50 million may include only funds pledged for capital projects. Each Florida College System institution board of trustees shall report annually to the Legislature the amount of state appropriations transferred to any direct-support organization during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.

(c) The board of trustees may not transfer any funds to and may not authorize ~~permit~~ the use of property, facilities, or personal services at any Florida College System institution by

any Florida College System institution direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or religion.

(4) ACTIVITIES; RESTRICTIONS.—

(d) A Florida College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee as defined in s. 106.011 for any purpose ~~other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the Florida College System institution.~~

Section 9. Subsections (2) and (6) of section 1009.531, Florida Statutes, are amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

~~(2)(a) A student graduating from high school prior to the 2010-2011 academic year is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent~~

~~application periods up to 3 years after high school graduation.
For a student who enlists in the United States Armed Forces
immediately after completion of high school, the 3-year
eligibility period for his or her initial award shall begin upon
the date of separation from active duty. For a student who is
receiving a Florida Bright Futures Scholarship and discontinues
his or her education to enlist in the United States Armed
Forces, the remainder of his or her 7-year renewal period shall
commence upon the date of separation from active duty.~~

~~(b) Students graduating from high school in the 2010-2011
and 2011-2012 academic years are eligible to accept an initial
award for 3 years following high school graduation and to accept
a renewal award for 5 years following high school graduation. A
student who applies for an award by high school graduation and
who meets all other eligibility requirements, but who does not
accept his or her award, may reapply during subsequent
application periods up to 3 years after high school graduation.
For a student who enlists in the United States Armed Forces
immediately after completion of high school, the 3-year
eligibility period for his or her initial award and the 5-year
renewal period shall begin upon the date of separation from
active duty. For a student who is receiving a Florida Bright
Futures Scholarship award and discontinues his or her education
to enlist in the United States Armed Forces, the remainder of~~

457 ~~his or her 5-year renewal period shall commence upon the date of~~
458 ~~separation from active duty. If a course of study is not~~
459 ~~completed after 5 academic years, an exception of 1 year to the~~
460 ~~renewal timeframe may be granted due to a verifiable illness or~~
461 ~~other documented emergency pursuant to s. 1009.40(1)(b)4.~~

462 ~~(e)~~ A student graduating from high school in the 2012-2013
463 academic year and thereafter is eligible to accept an initial
464 award for 2 years following high school graduation and to accept
465 a renewal award for 5 years following high school graduation. A
466 student who applies for an award by high school graduation and
467 who meets all other eligibility requirements, but who does not
468 accept his or her award, may reapply during subsequent
469 application periods up to 2 years after high school graduation.
470 For a student who enlists in the United States Armed Forces
471 immediately after completion of high school, the 2-year
472 eligibility period for his or her initial award and the 5-year
473 renewal period shall begin upon the date of separation from
474 active duty. For a student who is receiving a Florida Bright
475 Futures Scholarship award and discontinues his or her education
476 to enlist in the United States Armed Forces, the remainder of
477 his or her 5-year renewal period shall commence upon the date of
478 separation from active duty. For a student who is unable to
479 accept an initial award immediately after completion of high
480 school due to a full-time religious or service obligation

481 lasting at least 18 months, the 2-year eligibility period for
482 his or her initial award and the 5-year renewal period begin
483 upon the completion of his or her religious or service
484 obligation. The organization sponsoring the full-time religious
485 or service obligation must meet the requirements for nonprofit
486 status under s. 501(c)(3) of the Internal Revenue Code or be a
487 federal government service organization, including, but not
488 limited to, the Peace Corps and AmeriCorps programs. The
489 obligation must be documented in writing and verified by the
490 entity for which the student completed the obligation on a
491 standardized form prescribed by the department. If a course of
492 study is not completed after 5 academic years, an exception of 1
493 year to the renewal timeframe may be granted due to a verifiable
494 illness or other documented emergency pursuant to s.
495 1009.40(1)(b)4.

496 (6)(a) The State Board of Education shall publicize the
497 examination score required for a student to be eligible for a
498 Florida Academic Scholars award, pursuant to s. 1009.534(1)(a)
499 or (b), as follows:

500 1. For high school students graduating in the 2018-2019
501 and 2019-2020 academic years, a student must achieve an SAT
502 combined score of 1290 or an ACT composite score of 29.

503 2. For high school students graduating in the 2020-2021
504 academic year and thereafter, a student must achieve one of the

505 required examination scores published by the department, which
506 are determined as provided in paragraph (c) ~~High school students~~
507 ~~must earn an SAT score of 1290 which corresponds to the 89th SAT~~
508 ~~percentile rank or a concordant ACT score of 29.~~

509 (b) The State Board of Education shall publicize the
510 examination score required for a student to be eligible for a
511 Florida Medallion Scholars award, pursuant to s. 1009.535(1) (a)
512 or (b), as follows:

513 1. For high school students graduating in the 2018-2019
514 and 2019-2020 academic years, a student must achieve an SAT
515 combined score of 1170 or an ACT composite score of 26.

516 2. For high school students graduating in the 2020-2021
517 academic year and thereafter, a student must achieve one of the
518 required examination scores published by the department, which
519 are determined as provided in paragraph (c) ~~High school students~~
520 ~~must earn an SAT score of 1170 which corresponds to the 75th SAT~~
521 ~~percentile rank or a concordant ACT score of 26.~~

522 (c) To ensure that the required examination scores
523 represent top student performance and are equivalent between the
524 SAT and ACT, the department shall develop a method for
525 determining the required examination scores which incorporates
526 all of the following:

527 1. The minimum required SAT score for the Florida Academic
528 Scholars award, which must be set no lower than the 89th

529 national percentile on the SAT. The department may adjust the
530 required SAT score only if the required score drops below the
531 89th national percentile, and any such adjustment must be
532 applied to the bottom of the SAT score range that is concordant
533 to the ACT.

534 2. The minimum required SAT score for the Florida
535 Medallion Scholars award, which must be set no lower than the
536 75th national percentile on the SAT. The department may adjust
537 the required SAT score only if the required score drops below
538 the 75th national percentile, and any such adjustment must be
539 made to the bottom of the SAT score range that is concordant to
540 the ACT.

541 3. The required ACT scores, which must be made concordant
542 to the required SAT scores, using the latest published national
543 concordance table developed jointly by the College Board and
544 ACT, Inc.

545 (d) Before each school year, the department shall publish
546 any changes to the examination score requirements that apply to
547 students graduating in the next 2 years ~~The SAT percentile ranks~~
548 ~~and corresponding SAT scores specified in paragraphs (a) and (b)~~
549 ~~are based on the SAT percentile ranks for 2010 college-bound~~
550 ~~seniors in critical reading and mathematics as reported by the~~
551 ~~College Board. The next highest SAT score is used when the~~
552 ~~percentile ranks do not directly correspond.~~

553 Section 10. Section 1011.41, Florida Statutes, is amended
554 to read:

555 1011.41 University appropriations.—Funds for the general
556 operations of universities shall be requested and appropriated,
557 within budget entities, program components, program categories,
558 lump sums, or special categories, as Aid to Local Governments
559 Grants and Aids, subject to provisions of the General
560 Appropriations Act. Funds provided to state universities in the
561 General Appropriations Act are contingent upon each university
562 complying with the tuition and fee policies established in the
563 proviso language and with the tuition and fee policies for state
564 universities included in part II of chapter 1009. However, the
565 funds appropriated to a specific university shall not be
566 affected by the failure of another university to comply with
567 this provision.

568 Section 11. Section 1011.45, Florida Statutes, is amended
569 to read:

570 1011.45 End of year balance of funds.—Unexpended amounts
571 in any fund in a university current year operating budget shall
572 be carried forward and included as the balance forward for that
573 fund in the approved operating budget for the following year.

574 (1) Each university shall maintain a minimum carry forward
575 balance of at least 7 percent of its state operating budget. If
576 a university fails to maintain a 7 percent balance in state

577 operating funds, the university shall submit a plan to the Board
578 of Governors to attain the 7 percent balance of state operating
579 funds within the next fiscal year.

580 (2) Each university that retains a state operating fund
581 carry forward balance in excess of the 7 percent minimum shall
582 submit a spending plan for its excess carry forward balance.
583 The spending plan shall be submitted to the university's board
584 of trustees for review, approval, or, if necessary, amendment by
585 September 1, 2019, and each September 1 thereafter. The Board of
586 Governors shall review, approve, and amend, as necessary, each
587 university's carry forward spending plan by October 1, 2019, and
588 each October 1 thereafter.

589 (3) A university's carry forward spending plan shall
590 include the estimated cost per planned expenditure and a
591 timeline for completion of the expenditure. Authorized
592 expenditures in a carry forward spending plan may only include:

593 (a) Commitment of funds to a public education capital
594 outlay project for which an appropriation has previously been
595 provided that requires additional funds for completion and which
596 is included in the list required by s. 1001.706(12)(d);

597 (b) Completion of a renovation, repair, or maintenance
598 project that is consistent with the provisions of s. 1013.64(1),
599 up to \$5 million per project;

600 (c) Completion of a remodeling or infrastructure project,

601 including a project for a development research school, up to \$10
602 million per project, if such project is survey recommended
603 pursuant to s. 1013.31;

604 (d) Completion of a repair or replacement project
605 necessary due to damage caused by a natural disaster for
606 buildings included in the inventory required pursuant to s.
607 1013.31;

608 (e) Operating expenditures that support the university
609 mission and that are nonrecurring; and

610 (f) Any purpose specified in the General Appropriations
611 Act.

612 (4) Annually, by August 15, the Chief Financial Officer of
613 each university shall certify the unexpended amount of funds
614 appropriated to the university from the General Revenue Fund,
615 the Educational Enhancement Trust Fund, and the
616 Education/General Student and Other Fees Trust Fund as of June
617 30 of the previous fiscal year.

618 Section 12. Paragraph (e) of subsection (3) of section
619 1011.84, Florida Statutes, is amended to read:

620 1011.84 Procedure for determining state financial support
621 and annual apportionment of state funds to each Florida College
622 System institution district.—The procedure for determining state
623 financial support and the annual apportionment to each Florida
624 College System institution district authorized to operate a

Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(e) If at any time the unencumbered balance in the general fund of the Florida College System institution board of trustees approved operating budget goes below 7 5 percent, the president shall provide written notification to the State Board of Education. Annually, by August 15, the Chief Financial Officer of each Florida College System institution shall certify the unexpended amount of state funds remaining in the general fund of an institution as of June 30 of the previous fiscal year.

Section 13. Subsection (2) of section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts and Florida College System institutions and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(2) Establish, for the purpose of determining need, equitably uniform utilization standards for all types of like space, regardless of the level of education. Standards for post-secondary classroom and teaching laboratory space shall be as

649 specified in s. 1013.31(1)(c)5 ~~These standards shall also~~
650 ~~establish, for postsecondary education classrooms, a minimum~~
651 ~~room utilization rate of 40 hours per week and a minimum station~~
652 ~~utilization rate of 60 percent. These rates shall be subject to~~
653 ~~increase based on national norms for utilization of~~
654 ~~postsecondary education classrooms.~~

655 Section 14. Paragraph (c) of subsection (1) of section
656 1013.31, Florida Statutes, is amended to read:

657 1013.31 Educational plant survey; localized need
658 assessment; PECO project funding.—

659 (1) At least every 5 years, each board shall arrange for
660 an educational plant survey, to aid in formulating plans for
661 housing the educational program and student population, faculty,
662 administrators, staff, and auxiliary and ancillary services of
663 the district or campus, including consideration of the local
664 comprehensive plan. The Department of Education shall document
665 the need for additional career and adult education programs and
666 the continuation of existing programs before facility
667 construction or renovation related to career or adult education
668 may be included in the educational plant survey of a school
669 district or Florida College System institution that delivers
670 career or adult education programs. Information used by the
671 Department of Education to establish facility needs must
672 include, but need not be limited to, labor market data, needs

673 analysis, and information submitted by the school district or
674 Florida College System institution.

675 (c) Required need assessment criteria for district,
676 Florida College System institution, state university, and
677 Florida School for the Deaf and the Blind plant surveys.—
678 Educational plant surveys must use uniform data sources and
679 criteria specified in this paragraph. Each revised educational
680 plant survey and each new educational plant survey supersedes
681 previous surveys.

682 1. The school district's survey must be submitted as a
683 part of the district educational facilities plan defined in s.
684 1013.35. To ensure that the data reported to the Department of
685 Education as required by this section is correct, the department
686 shall annually conduct an onsite review of 5 percent of the
687 facilities reported for each school district completing a new
688 survey that year. If the department's review finds the data
689 reported by a district is less than 95 percent accurate, within
690 1 year from the time of notification by the department the
691 district must submit revised reports correcting its data. If a
692 district fails to correct its reports, the commissioner may
693 direct that future fixed capital outlay funds be withheld until
694 such time as the district has corrected its reports so that they
695 are not less than 95 percent accurate.

696 2. Each survey of a special facility, joint-use facility,

697 or cooperative career education facility must be based on
698 capital outlay full-time equivalent student enrollment data
699 prepared by the department for school districts and Florida
700 College System institutions and by the Chancellor of the State
701 University System for universities. A survey of space needs of a
702 joint-use facility shall be based upon the respective space
703 needs of the school districts, Florida College System
704 institutions, and universities, as appropriate. Projections of a
705 school district's facility space needs may not exceed the norm
706 space and occupant design criteria established by the State
707 Requirements for Educational Facilities.

708 3. Each Florida College System institution's survey must
709 reflect the capacity of existing facilities as specified in the
710 inventory maintained by the Department of Education. Projections
711 of facility space needs must comply with standards for
712 determining space needs as specified by rule of the State Board
713 of Education. The 5-year projection of capital outlay student
714 enrollment must be consistent with the annual report of capital
715 outlay full-time student enrollment prepared by the Department
716 of Education.

717 4. Each state university's survey must reflect the
718 capacity of existing facilities as specified in the inventory
719 maintained and validated by the Chancellor of the State
720 University System. Projections of facility space needs must be

721 consistent with standards for determining space needs as
722 specified by regulation of the Board of Governors. The projected
723 capital outlay full-time equivalent student enrollment must be
724 consistent with the 5-year planned enrollment cycle for the
725 State University System approved by the Board of Governors.

726 5. Each state university's and Florida College System
727 institution's survey must incorporate the following space
728 utilization metrics when calculating space need:

729 a. For postsecondary education classroom space, a minimum
730 room utilization rate of 60 hours per week and a minimum station
731 utilization rate of 80 percent.

732 b. For postsecondary education nonvocational, teaching
733 laboratory space a minimum room utilization rate of 40 hours per
734 week and a minimum station utilization rate of 85 percent.

735 6. Each state university and Florida College System
736 institution shall adjust full-time equivalent enrollment
737 estimates used for calculating additional space needs by the
738 full-time equivalent enrollment for online students.

739 7. The Board of Governors for state universities and the
740 State Board of Education for Florida College System institutions
741 shall each provide on its website the most recent summary survey
742 data by state university or Florida College System institution,
743 as applicable, showing space needs met for each campus by type
744 of space. The format shall be consistent across all state

745 universities and all Florida College System institutions and
746 must reflect the effectiveness of each university and
747 institution in utilizing its existing space.

748 8.5. The district educational facilities plan of a school
749 district and the educational plant survey of a Florida College
750 System institution, state university, or the Florida School for
751 the Deaf and the Blind may include space needs that deviate from
752 approved standards for determining space needs if the deviation
753 is justified by the district or institution and approved by the
754 department or the Board of Governors, as appropriate, as
755 necessary for the delivery of an approved educational program.

756 Section 15. Subsections (2) and (3) of section 1013.60,
757 Florida Statutes, are renumbered as subsections (3) and (4),
758 respectively, subsection (1) of that section is amended, and a
759 new subsection (2) is added to that section, to read:

760 1013.60 Legislative capital outlay budget request.—

761 (1) The Commissioner of Education shall develop a budget
762 request allocation plan ~~procedure~~ deemed appropriate in arriving
763 at the appropriate amounts ~~required~~ to fund each project
764 category ~~projects~~ as reflected in the integrated, comprehensive
765 budget request required by this section. The official estimates
766 for funds accruing to the Public Education Capital Outlay and
767 Debt Service Trust Fund made by the Revenue Estimating
768 Conference shall be used in determining the budget request

pursuant to this section. The commissioner, in consultation with the appropriations committees of the Legislature, shall provide annually an estimate of funds that shall be utilized by Florida College System institutions and universities in developing their required 3-year prioritized ~~priority~~ lists pursuant to s. 1013.64.

(2) The commissioner shall include with the submission of each updated budget request allocation plan an assessment over the 3 years of the plan of the amount of state funding needed to complete previously funded projects compared to the amount of funds provided in the Public Education Capital Outlay and Debt Service Trust Fund for each category from which projects were funded in a prior year and which require additional state funds for completion.

Section 16. Paragraph (a) of subsection (4) of section 1013.64, Florida Statutes, is amended, and paragraphs (i) and (j) are added to subsection (1) of that section, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)

(i) The Board of Governors shall specify by regulation the

793 procedures for the reporting of funds appropriated or expended
794 pursuant to this section or s. 1011.45. Each university shall
795 report the amounts expended by the university from all sources,
796 including, but not limited to, the Public Education Capital
797 Outlay and Debt Service Trust Fund and carry forward funds.

798 (j) The State Board of Education shall specify by rule the
799 procedures for the reporting of funds appropriated or expended
800 pursuant to this section or s. 1013.841. Each Florida College
801 System institution shall report the amounts expended by the
802 institution from all sources, including, but not limited to, the
803 Public Education Capital Outlay and Debt Service Trust Fund and
804 carry forward funds.

805 (4) (a) Florida College System institution boards of
806 trustees and university boards of trustees shall receive funds
807 for projects based on a 3-year prioritized ~~priority~~ list, to be
808 updated annually, which is submitted to the Legislature in the
809 legislative budget request at least 90 days prior to the
810 legislative session. The State Board of Education shall submit a
811 3-year prioritized ~~priority~~ list for Florida College System
812 institutions, and the Board of Governors shall submit a 3-year
813 prioritized ~~priority~~ list for universities to the Legislature
814 not later than 60 days before each regular legislative session
815 which shall be updated upon request after subsequent estimating
816 conferences. The sum of each year's project lists may not exceed

817 the total amount to be distributed for construction and
818 renovation provided for each year pursuant to the 3-year budget
819 request allocation plan developed by the Commissioner of
820 Education pursuant to s. 1013.60. The lists shall reflect
821 decisions by the State Board of Education pursuant to s. 1001.03
822 for Florida College System institutions and the Board of
823 Governors pursuant to s. 1001.706 for state universities
824 concerning program priorities that implement the statewide plan
825 for program growth and quality improvement in education. ~~No~~
826 ~~remodeling or renovation project shall be included on the 3-year~~
827 ~~priority list unless the project has been recommended pursuant~~
828 ~~to s. 1013.31 or is for the purpose of correcting health and~~
829 ~~safety deficiencies. No new construction project shall be~~
830 ~~included on the first year of the 3-year priority list unless~~
831 ~~the educational specifications have been approved by the~~
832 ~~commissioner for a Florida College System institution project or~~
833 ~~by the Board of Governors for a university project, as~~
834 ~~applicable. The funds requested for a new construction project~~
835 ~~in the first year of the 3-year priority list shall be in~~
836 ~~conformance with the scope of the project as defined in the~~
837 ~~educational specifications. Any new construction project~~
838 ~~requested in the first year of the 3-year priority list which is~~
839 ~~not funded by the Legislature shall be carried forward to be~~
840 ~~listed first in developing the updated 3-year priority list for~~

~~the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.~~

Section 17. Section 1013.841, Florida Statutes, is created to read:

1013.841 End of Year Balance of Funds.—

(1) Unexpended amounts in any fund in any Florida College System institution current year state operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(2) Each Florida College System institution shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a Florida College System institution fails to maintain a 7 percent balance in state operating funds, the institution shall submit a plan to the State Board of Education to attain the 7 percent balance within the next fiscal year.

(3) Each Florida College System institution shall report the fund balance in its Unexpended Plant Fund (Fund #7) as of June 30, 2019, and every June 30 thereafter. Each Florida College System institution that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance.

865 The spending plan shall include all excess carry forward funds
866 from state operating funds and all of the fund balance in
867 Unexpended Plant Fund. The spending plan shall be submitted to
868 the Florida College System institution's board of trustees for
869 review, approval, or, if necessary, amendment by September 1,
870 2019, and each September 1 thereafter. The State Board of
871 Education shall review, approve, and amend, as necessary, each
872 Florida College System institution's carry forward spending plan
873 by October 1, 2019, and each October 1 thereafter.

874 (4) A Florida College System institution carry forward
875 spending plan shall include the estimated cost per planned
876 expenditure and a timeline for completion of the expenditure.
877 Authorized expenditures in a carry forward spending plan may
878 only include:

879 (a) Commitment of funds to a public education capital
880 outlay project for which an appropriation has previously been
881 provided that requires additional funds for completion and which
882 is included in the list required by s. 1001.03(18)(d);

883 (b) Completion of a renovation, repair, or maintenance
884 project that is consistent with the provisions of s. 1013.64(1),
885 up to \$5 million per project;

886 (c) Completion of a remodeling or infrastructure project,
887 up to \$10 million per project, if such project is survey
888 recommended pursuant to s. 1013.31;

889 (d) Completion of a repair or replacement project
890 necessary due to damage caused by a natural disaster for
891 buildings included in the inventory required pursuant to s.
892 1013.31;

893 (e) Operating expenditures that support the Florida
894 College System institution's mission that are nonrecurring; and

895 (f) Any purpose specified in the General Appropriations
896 Act.

897 Section 18. By December 30, 2019, all survey recommended
898 projects for each state university and Florida College System
899 institution shall be reviewed and revised to incorporate the
900 updated space need calculation requirements as specified in s.
901 1013.31(1)(c), Florida Statutes. Projects for institutions that
902 have not revised their existing space needs requests pursuant to
903 this section shall be considered not survey recommended.

904 Section 19. This act shall take effect upon becoming a
905 law.